

IN THE CIRCUIT COURT OF BOONE COUNTY
STATE OF MISSOURI

JOHN E. HARPER AND SHIRLEY ANN)	
HARPER,)	
)	
Plaintiffs,)	
)	Case No.
v.)	
)	
J & E LOGISTICS, LLC,)	
Serve Registered Agent:)	
Ricardo Acosta Fernandez)	
6115 Rocky Mountain Dr.)	
Louisville, KY 40219)	
)	
and)	
)	
RUBEN D. REYES,)	
Serve:)	
8223 Candelglow)	
Louisville, KY 40214)	
)	
Defendants.)	

PETITION

Plaintiffs John E. Harper (“John”) and Shirley Ann Harper (“Shirley”) (John and Shirley shall be collectively referred to as the “Harpers”), by and through their attorney, R. Thomas Avery and Blitz, Bardgett & Deutsch, L.C., as their Petition against Defendants J & E Logistics, LLC (“Trucking Company”) and Ruben D. Reyes (“Reyes”), state as follows:

1. On October 10, 2017, John and Shirley were returning home from a vacation when their mini-van was rear-ended by an 18-wheel tractor trailer owned and operated by Trucking Company and driven by Reyes.
2. The accident occurred in Boone County, Missouri on Interstate 70 shortly after 10 a.m.

EXHIBIT

1

3. John and Shirley were traveling east bound on Interstate 70 when traffic in front of them came to a stop.

4. At the time of the accident, the weather conditions were clear and there was nothing that prevented Reyes from observing the traffic stopping in front of him and slowing his vehicle.

5. John is a resident of St. Louis County, Missouri.

6. Shirley is a resident of St. Louis County, Missouri.

7. Defendant Trucking Company is a Kentucky limited liability company.

8. Upon information and belief, Defendant Reyes may be found in Louisville, Kentucky.

Count I—Negligence (Reyes and Trucking Company)

As their first cause of action against Defendants Ruben D. Reyes and Defendant J & E Logistics, LLC, Plaintiffs John E. Harper and Shirley Ann Harper, state:

9. The Harpers reallege and incorporate by reference, paragraphs 1 through 8 above.

10. Defendant Reyes, through negligence and inattentiveness, failed to stop his vehicle and it ploughed into the back of the Harpers' mini-van.

11. Defendant Reyes was employed by or acting on behalf of Trucking Company at all times described herein.

12. At all times herein, Defendant Reyes was acting in the course and scope of his employment by Trucking Company.

13. Defendant Reyes owed the Harpers a duty to exercise reasonable care in the operation of the 18-wheel tractor trailer he was driving.

14. Defendant Reyes breached his duty of reasonable care in the operation of the 18-wheel tractor trailer by:

- a. Being inattentive;
- b. Failing to keep a careful lookout;
- c. Rear ending the Harpers' vehicle;
- d. Following too close;
- e. Failure to act after the danger of collision became apparent;
- f. Failing to stop, swerve, slacken speed, or sound a warning; and
- g. Failing to exercise the highest or even reasonable care in the operation of a motor vehicle.

15. Trucking Company is liable for the negligence of Reyes.

16. As a direct and proximate result of the actions of Defendant Reyes and his breach of his duties set forth above, John and Shirley were severely injured in the accident.

17. John suffered injuries to his entire body, including, rib fractures, fracture of left humerus, torn right rotator cuff, injury to left shoulder, a laceration of his right thigh and facial contusions.

18. John was transported by ambulance from the scene of the accident to University Hospital in Columbia, Missouri.

19. As a result of the accident and the multiple injuries John suffered, he received extended medical care, physical and occupational therapy and was required to have numerous surgeries.

20. As a result of the accident, John has suffered debilitating pain and discomfort and has been unable to enjoy his normal hobbies and activities.

21. Shirley suffered injuries to her entire body, including, acute traumatic closed left femur fracture, acute traumatic left fibular fracture, fractures to the right seventh, eighth, and ninth ribs, two femoral fracture lines, fracture of the proximal left fibular shaft, a large posterior scalp hematoma and laceration, neck pain and stiffness, a contusion to the base of the left neck, a contusion to the anterior abdominal wall, and a laceration to the posterior scalp.

22. Shirley was transported by ambulance from the scene of the accident to University Hospital in Columbia, Missouri.

23. As a result of the accident and multiple injuries Shirley suffered, she received extended medical care, physical and occupational therapy and was required to have numerous surgeries.

24. As a result of the accident, Shirley has suffered debilitating pain and discomfort and has been unable to enjoy her normal hobbies and activities.

25. As a direct and proximate result of Defendant Reyes's actions, set forth herein, the Harpers have each suffered past, present, and future lost wages; past, present and future pain and suffering; lost enjoyment of life; lost past, present and future household contributions; and future medical care, treatment and expenses, in an amount unknown at this time.

26. The amount of the Harper's medical bills and other damages are ongoing and have not yet been determined.

WHEREFORE, Plaintiffs John E. Harper and Shirley Ann Harper respectfully request that the Court enter judgment in their favor and against Defendant Ruben D. Reyes and Defendant J & E Logistics, LLC and award damages, not less than \$25,000.00, as determined at trial and grant all other relief the Court deems appropriate.

Count II—Negligence (Trucking Company)

As their second cause of action against Defendants Ruben D. Reyes and Defendant J & E Logistics, LLC, Plaintiffs John E. Harper and Shirley Ann Harper, state:

27. The Harpers reallege and incorporate by reference, paragraphs 1 through 26 above.

28. Trucking Company owed a duty to the Harpers to use reasonable care in the hiring, retention and supervision of Reyes.

29. Trucking Company breached its duty to the Harpers as set forth herein by failing to exercise reasonable care in the hiring, retention and/or supervision of Reyes. Upon information and belief, Trucking Company failed to properly vet Reyes as an employee and operator of an 18-wheel tractor trailer, negligently retained him as such and failed to properly supervise his actions in order to protect the public in general, and the Harpers in particular, from his negligent conduct.

30. As a direct and proximate result of Trucking Company's actions set forth herein, the Harpers were damaged as set forth herein.

31. Trucking Company's actions were willful, malicious and reflected an utter disregard for the safety and rights of others including the Harpers.

32. Punitive damages should be awarded against Trucking Company in favor of the Harpers to discourage Trucking Company, and others like it, from disregarding the rights of others.

WHEREFORE, Plaintiffs John E. Harper and Shirley Ann Harper respectfully request that the Court enter judgment in their favor and against Defendant J & E Logistics, LLC and

award damages, including punitive damages, not less than \$25,000.00, as determined at trial and grant all other relief the Court deems appropriate.

Respectfully submitted,

BLITZ, BARDGETT & DEUTSCH, L.C.

By: /s/ R. Thomas Avery
R. Thomas Avery, #45340
Amy E. Oslica, #66879
120 S. Central Ave., Suite 1500
St. Louis, MO 63105
(314) 863-1500
(314) 863-1877 (facsimile)
rtavery@bbdlc.com
aoslica@bbdlc.com

Attorneys for Plaintiffs John E. Harper and Shirley Ann Harper